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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yuan P. Li et al.

Serial No.: 10/039,242

Filed: 12/31/2001

Title: WIDE PASSBAND OPTICAL INTERLEAVER

Art Unit: 2661

Docket No.: 00-17

Box Missing Parts
Assistant Commissioner for Patents
Washington, DC 20231

08/16/2002 GWORDOF1 00000017 501047 10039242

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PETITION UNDER 37 CFR 1.47(a)

Sir:

This is a Petition to Accept the Application Filed By Other Than All The Joint Inventors in the above application.

Three of the four joint inventors in this application have executed the Declaration and Power of Attorney document that is filed herewith. A diligent effort has been made to obtain the signature of the fourth inventor, Mr. Kevin Sullivan, however, Mr. Sullivan refuses to join in the application.

Filed herewith is a Statement made by Ms. Abigail Murphy, a representative of WaveSplitter Technologies, Inc. (the "Assignee"). Ms. Murphy has made several attempts to secure Mr. Sullivan's signature on the Declaration and Power of Attorney document, and on the Assignment document as well, however, Mr. Sullivan has refused to join in the application. A copy of each of two Federal Express receipts indicating that Ms. Murphy forwarded the documents to Mr. Sullivan's last known address (616 Lonsdale Avenue, Fremont, CA 94539) for signature on May 7, 2002 and again on May 24, 2002 are attached to Ms. Murphy's statement for reference.

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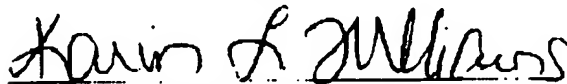
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OFFICE OF PETITIONS

In view of the above statement, Applicant hereby petitions the Assistant Commissioner to accept this application without the signature of the fourth inventor, and to maintain the December 31, 2001 filing date of this application accordingly. It is respectfully requested that a written decision granting this Petition be provided, and that the application proceed to the appropriate Technology Center for Examination accordingly.

The PTO is hereby authorized to charge the \$130 Petition Fee, as well as the filing fee and any additional fees required to the undersigned attorney's PTO Deposit Account #50-1047.

Respectfully submitted,



Karin L. Williams Reg. No. 36,721

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Tel: 908-518-7700

WAVESPLITTER
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July 12, 2002

This will confirm that WaveSplitter Technologies, Inc. ("WaveSplitter") has made reasonable efforts in attempting to secure the signature of its former employee, Kevin Sullivan, to the Assignment for United States Patent Application form and to the Declaration and Power of Attorney For Patent Application form for its U.S. patent application serial no. 10/039,242 and U.S. patent application serial no. 10/038,882, respectively. WaveSplitter sent written requests to Mr. Sullivan at his current place of residence. Mr. Sullivan has failed to respond to any of these efforts.

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WaveSplitter Technologies, Inc.

By:

Abigail B. Murphy